

SIMPSON LOSES FOREIGN JURY PLEA AS HALL WITNESS TELLS OF TORTURE

Chained to a Bed For 12 Hours by Police Is Charge

By LEO J. CASEY

By GRAPHIC Staff Correspondent

The Supreme Court at Trenton has denied the application of Assistant Attorney General Alexander Simpson for a foreign jury to try the four defendants charged with the murder of the Rev. Edward W. Hall and Mrs. Eleanor R. Mills.

Justice Samuel Kalisch held that a fair and impartial jury could be obtained in Somerset county. Justice Frank L. Katzenbach concurred, and Justice Frank Lloyd, who sat with the other two judges when Senator Simpson's application was heard, did not sign the opinion.

State Senator Clarence E. Case, representing the defense, was elated by the decision.

Case Gratified

"It is very gratifying to know that the Supreme Court believes, as does the defense, that the county of Somerset is able to dispose of its criminal matters thoroughly, fearlessly, impartially and with justice to both the defense and the state," he said.

Senator Simpson did not criticize the decision.

"I am surprised but I have no criticism to offer," he declared. "My hands are clean. I have done all I could."

Justice Kalisch, in his opinion, wrote:

"This . . . is sufficient to convince this court that the fear which counsel of the state apprehends that a petit jury will be influenced by the published clippings is more chimerical than real."

Meanwhile the defense continued preparations for the trial. Willard Staub, 25, of 232 Front St., New Brunswick, was prevailed upon to sign an affidavit saying he had been held captive for twelve hours in Somerville police headquarters with his arm chained above his head.

The affidavit was released by the defense after a reporter for The

Sought Again by Mother



HERE'S LITTLE David Henderson, the pretty 6-year-old son of Mrs. Margaret Marshall Henderson, whose mother love impelled her to defy the courts in her efforts to regain possession of her boy, even to the extent of attempting to kidnap him from the home of the folks who had adopted him. Arrested in June, she languished in the Columbia county jail until Thursday night, when she escaped, walking out of the front door into a waiting auto.

Mother Held for Kidnaping Her Little Boy, Flees Jail With Aid of Confederates

HUDSON, N. Y., Sept. 25.—Held on a charge of attempting to kidnap her own son, Mrs. Margaret Henderson Marshall escaped from the Columbia county jail Thursday night and has not been located by the local officials. It is believed that she was aided in her escape by confederates who awaited her outside the jail and hurried her away in an automobile.

Mrs. Marshall's various attempts to regain possession of 6-year-old son have brought her in contact with the courts both in New York city and in Columbia county several times during the past year.

It is alleged by the Spence Alumnae Society of New York city that Mrs. Marshall placed her son, David Henderson, with the society for adoption. This she has denied, contending that she left the child with the society only temporarily.

In the various proceedings that followed her attempts to regain possession of the child it appeared that the boy was legally adopted by Mr. and Mrs. G. Harold Harder at Claverack, N. Y., in a proceeding before Surrogate John V. Whitbeck in Columbia county.

During June Mrs. Marshall made a visit to the Harder home at Claverack, where it is alleged that she attempted to kidnap the boy.

She was arrested, and after a hearing before Justice Frank B. Lindsay at Philmont was held to await the action of the October grand jury. Since that time she has occupied a room in the county jail.

Yesterday morning when jail attendants went to her room they found that she had escaped by means of a skylight and had worked her way into another part of the courthouse and had left the building by the front door.

3 Die, 40 Trapped When Avalanche Fills Mine Shaft

IRONWOOD, MICH., Sept. 25.—(By U. P.).—Three men were dead here today, and forty were trapped alive more than 2,500 feet below the surface of the city in the Pabst Iron Mine, as a result of boulders crashing down the shaft.

It is believed that the men caged below the surface are in no immediate danger, but it will take at least four or five days to bore through the rocks to reach them, officials said.

The three men believed killed were in an elevator ascending to the surface when an avalanche of boulders broke through the slatted concrete blocks which lined the shaft walls.

The others below are believed safe from gas, water and suffocation, but are without food and electric light. Each miner is provided with an emergency carbide lamp, which should give light for eight hours.

Slayer of Daughter Sentenced to Hang

SEATTLE, Sept. 25 (By U. P.).—Wallace C. Gaines, veteran of the World War, must hang at Walla-Walla prison December 11 for the murder of his beautiful daughter, Sylvia, 22. The girl was beaten to death after what the state attempted to prove was an unnatural love affair with the father.

Gaines collapsed when the death sentence was passed by Superior Judge Robert M. Jones. Before sentence he denied he had choked his daughter to death and asserted that "Sylvia loved me more than any one in the world." He will appeal.

4-Year-Old Girl Dies Soon After Drinking Milk

Virginia Ware, 4, died today in the North Hudson Hospital, Weehawken, from poisoning of the intestines which the hospital authorities claim was due to drinking condensed milk.

The child was taken ill at her home, 918 Hamblet Place, North Bergen and died soon after.



R. H. McCarter



J. W. Underwood

GRAPHIC had found Staub and taken his statement for publication.

Staub is the man to whom Robert H. McCarter, chief counsel for the four persons charged with the murders, referred during argument a few days ago on Special Prosecutor Simpson's motion for a foreign jury.

He was found by a GRAPHIC

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THE WEATHER

SATURDAY, SEPT. 25, 1926.



UNITED STATES WEATHER FORECAST
LOCAL—Showers and cooler today; tomorrow mostly cooler; moderate to fresh shifting winds, becoming northerly.
EASTERN NEW YORK—Showers and cooler today; tomorrow mostly cloudy and cooler in south and fair in north portion; moderate to fresh shifting winds, becoming northerly.

Movie Beauty Gets a Divorce

LOS ANGELES, Sept. 25 (By U. P.).—Appearing in court heavily veiled to escape public notice, Katherine McDonald, motion picture star, was granted a divorce yesterday from C. S. Johnson on grounds of failure to provide.

According to the actress she spent \$10,000 helping to pay bills contracted by her husband before their marriage in Atlantic City, May 12, 1923. She further testified that Johnson had never contributed to her support nor the support of their 2-year-old child.

The custody of the child was given to the mother.

LADY PAGET BLAMES FEAR FOR GENERAL BAD HEALTH

LONDON, Sept. 25 (By U. P.).—Not fast living, but fear, is responsible for general bad health among civilized people, Lady Paget declares in a bulletin issued by the New Health Society.

"People nowadays are afraid of everything," Lady Paget explained. "They are in constant terror of

catching cold, but do not realize that by coddling themselves they invite colds."

Wins Freedom



KATHERINE McDONALD, famous movie star, was granted a decree in Los Angeles yesterday and awarded custody of her 2-year-old child.

League Silences China's Protest

GENEVA, Sept. 25 (By U. P.).—China suffered a veiled rebuke in the League of Nations Assembly today for the startling attack of its new league representative, Chao Hsin-Chu, on the British policy in the Yangtze River.

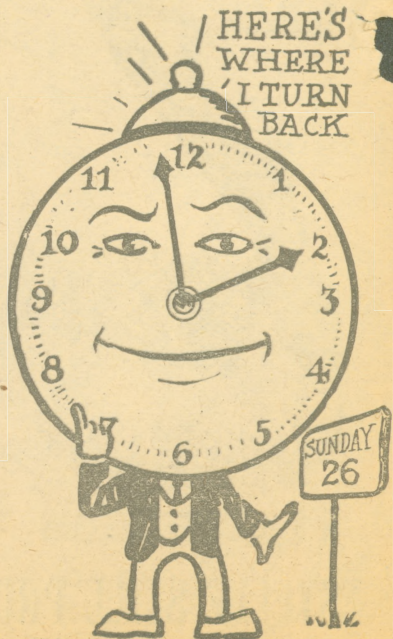
Assembly President Nintchitch today warned all delegations that it a violation of league procedure to raise questions not on the agenda without first obtaining permission of the president.

The league today definitely abandoned all ideas of launching a general, worldwide project for the Pacific settlement of dispute among nations, when it declared itself merely in favor of regional settlements.

ADMIRAL FULLAM DEAD

WASHINGTON, Sept. 25 (By U. P.).—Rear Admiral William F. Fullam, 72, is dead here of pneumonia. He was formerly in command of the Pacific department and had a brilliant service record.

Time Calls a Halt



DAYLIGHT SAVING TIME ends at 2 a. m. Sunday.